THE CASE OF THE DUCHESS of KINGSTON.

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THE CASE OF THE DUCHESS OF KINGSTON.

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TO THE

PUBLIC.

THE curioſity of the Public was, perhaps, never more excited, than by the preſent critical ſituation of the Ducheſs of Kingſton. The exalted ſphere in which the principal parties move, demands the moſt reſpectful attention. We find a moſt extraordinary caſe branched out into a variety of proſecutions, and likely, in its courſe of litigation, to paſs through the ſeveral Courts of Judicature, and employ the moſt eminent Lawyers in the Kingdom. The following pages exhibit a train of circumſtances relative to this diſtinguiſhed Lady as will enable

the Public to form a Judgment of her Cauſe, to trace the ſource, and examine the propriety of the proceedings of her reſpective opponents; no affair gave a greater ſcope for Envy to vent her malice, or malignity to diſcharge her ſpleen. The Writer of this Narrative, however ſolemnly declares himſelf unconnected with, and unbiaſed by any of the Parties. Devoid of prejudice, and without any intereſted views, he profeſſes to hold the Pen of Impartiality, and as truth alone directs his labours, he expects his reward from the approbation of the candid, for whoſe peruſal only he deſigns theſe pages.

THE

CASE

OF THE

DUCHESS of KINGSTON.

THE Honourable Miſs Chudleigh, Daughter of Sir John Chudleigh, Bart. and now Ducheſs of Kingſton, was introduced at the Prince of Wales's Court, at ſo early a period as the year 1742, and continued in the ſtation of Maid of Honor to the Princeſs, till her marriage in the year 1769, to Evelyne Pierpoint, Duke of Kingſton.

Several years before this marriage took place, a report was univerſally circulated, and generally credited, that in the year 1744, ſhe had been privately, and in a clandeſtine manner, married to the Right Honourable Auguſtus John Hervey, now Earl of Briſtol. That the nuptial ceremony was performed by the Honourable and Reverend Aſton Hervey, who has been dead ſome years; and that the regiſter of the ſaid marriage had been, torn from the Regiſter Book of the pariſh in which

they were married; the rumour adds, that they did not cohabit together above four months; for a diſguſt taking place, it was productive of a final ſeparation. Where theſe aſſertions originated is not preciſely known; but it is evidently clear, that ſome individuals think themſelves greatly concerned in their propagation, and materially intereſted in getting them eſtabliſhed as facts.

In the year 1746, the Honourable Miſs Chudleigh, or as others affirm, the Honourable Mrs. Hervey, was, at an aſſembly, introduced to the Duke of Kingſton, by the late Sir Robert Sutton. An intimacy commenced between his Grace and her, and a moſt tender friendſhip ſubſiſted between them for many years. The Duke doated on her to a degree of infatuation; ſo that nothing could have prevented them from ſtrengthening their attachment by the moſt honorable union, but her alledged marriage, or pretended marriage, with Captain Hervey, a moſt indiſcreet and precipitate affair, if true, for ſhe inconſiderately gave into it without the leaſt reſervation in her own favour of a future ſettlement, or any kind of proviſion whatever, though at the ſame time her poſt of Maid of Honor to the Princeſs of Wales, muſt of courſe have been relinquiſhed the moment her marriage became public.

But ſo ſingular was the Duke of Kingſton's affection for this lady, that previous to their marriage

riage, in the year 1769, he gave her a bond for thirty-ſix thouſand pounds conditionally to marry her whenever ſhe could get legally diſembarraſſed from the claim of Captain Hervey. A cauſe of *Jactitation* was accordingly commenced in the Commons, by Miſs Chudleigh againſt the Honourable Captain Hervey, and proſecuted to the following ſentence.

Extracted from the Regiſtry of the Conſiſtory Court of London.

In the Name of GOD, Amen.—We, John Betteſworth, Doctor of Laws, Vicar General of the Right Reverend Father in God, Richard, by divine permiſſion, Lord Biſhop of London, and Official Principal of the Conſiſtorial and Epiſcopal Court of London, having ſeen, heard, and underſtood, and fully and maturely diſcuſſed the merits and circumſtances of a certain cauſe of jactitation of marriage, which was lately controverted, and as yet remains undetermined before us in judgment, between the Honourable Elizabeth Chudleigh, of the pariſh of St. Margaret, Weſtminſter, in the county of Middleſex, Spinſter, the Party, Agent and Complainant, of the one part, and the Right Honourable Auguſtus John Hervey, of the pariſh of St. James, Weſtminſter, in the county of Middleſex and

dioceſe

dioceſe of London, Batchelor, falſely calling himſelf the huſband of the ſaid Honourable Elizabeth Chudleigh, the party accuſed and complained of on the other part, and we rightly and duly proceeding therein, and the parties aforeſaid lawfully appearing before us by their Proctors reſpectively, and the Proctor of the ſaid Honourable Elizabeth Chudleigh, praying ſentence to be given, and juſtice to be done to his party, and the Proctor of the ſaid Right Honourable Auguſtus John Hervey, alſo earneſtly praying ſentence and juſtice to be done to his ſaid party. And we having carefully looked into, and duly conſidered of the whole proceedings, had and done before us in the ſaid cauſe, and obſerved, what by law ought to be obſerved in this behalf, have thought fit, and do thus think fit to proceed to the giving and promulging our definitive ſentence, or final decree in this ſame cauſe, in manner and form following: (To wit), Foraſmuch as by the acts, enacted, alledged, exhibited, propounded, proved, and confeſſed in this cauſe, we have found, and clearly diſcovered, that the Proctor of the ſaid Honourable Elizabeth Chudleigh hath fully and ſufficiently founded, and proved his intention deduced in a certain libel and allegation, and other pleadings and exhibits given in, exhibited, and admitted on her behalf in this ſame cauſe, and

now

now remaining in the Regiſtry of this court (which libel and allegation, and other pleadings and exhibits, we take, and will have taken as if herein repeated and inſerted for us to pronounce, as herein after we ſhall pronounce) and that nothing at leaſt effectual in law, hath on the part and in behalf of the ſaid Right Honorable Auguſtus John Hervey, been excepted, deduced, exhibited, propounded, proved and confeſſed in this ſame cauſe, which may or ought in any wiſe to defeat, prejudice or weaken the intention of the ſaid Honourable Elizabeth Chudleigh, deduced as aforeſaid; and particucularly that the ſaid Right Honourable Auguſtus John Hervey hath totally failed in the proof of his allegation given in, and admitted in this cauſe, whereby he pleaded and propounded a pretended Marriage to have been ſolemnized between him and the ſaid Honourable Elizabeth Chudleigh, Spinſter. And therefore we, John Betteſworth, Doctor of Laws, the Judge aforeſaid, firſt calling upon God, and ſetting him alone before our eyes, and having heard Counſel in this cauſe, do pronounce, decree, and declare, that the ſaid Honourable Elizabeth Chudleigh, at and during all the time mentioned in the ſaid libel, given in and admitted in this cauſe, and now remaining in the Regiſtry of this Court, was, and now is, a Spinſter, and free from all

Matrimonial

Matrimonial Contracts, or Eſpouſals (as far as to us as yet appears) more eſpecially with the ſaid Right Honourable Auguſtus John Hervey, and that the ſaid Right Honourable Auguſtus John Hervey, notwithſtanding the premiſſes, did, in the years and months libellate, wickedly and maliciouſly boaſt, and publickly aſſert, (though falſely) that he was contracted in marriage to the ſaid Honourable Elizabeth Chudleigh, or that they were joined or contracted together in matrimony: wherefore we do pronounce, decree, and declare, that perpetual ſilence muſt and ought to be impoſed and enjoined the ſaid Right Honourable Auguſtus John Hervey, as to the premiſſes libellate, which we do impoſe and enjoin him by theſe preſents, and we do decree the ſaid Right Honourable Auguſtus John Hervey to be admoniſhed to deſiſt from his boaſting and aſſerting, that he was contracted to, or joined with the ſaid Honourable Elizabeth Chudleigh in matrimony, as aforeſaid; and we do alſo pronounce, decree, and declare, that the ſaid Right Honourable Auguſtus John Hervey ought, by law, to be condemned in lawful expences made, or to be made, in this cauſe, on the part and behalf of the ſaid Honourable Elizabeth Chudleigh, to be paid to the ſaid Elizabeth Chudleigh, or her Proctor; and accordingly we do condemn

him

him in ſuch expences which we tax at, and moderate to, the Sum of One Hundred Pounds of lawful money of Great Britain, beſides the expences of a monition for payment in this behalf, by this our definitive ſentence, or final decree, which we read and promulge by theſe preſents.

J. BETTESWORTH.

Arthur Collier
Peter Calvert
William Wynne.

This ſentence was read, promulged, and given by the within named the Vicar General, and Official Principal, on Friday the tenth day of February, in the year of our Lord, one thouſand, ſeven hundred, and ſixty-nine, in the dining room adjoining to the Common Hall of Doctors Commons, ſituate within the Pariſh of St. Benedict, near Paul's Wharfe, London; there being then and there preſent the witneſſes ſpecified in the acts of court, which I atteſt.

MARK HOLMAN, Notary Publick,
Deputy Regiſter.
MARK HOLMAN,
Deputy Regiſter.

This remarkable affair being thus legally canvaſs'd, the deciſion ſeal'd up the lips of the Earl of Briſtol. The matter appearing of no further conſequence, and the judicial impediment being apparently removed, his Grace the Duke of Kingſton, to make perfectly ſure of his wife, was twice married to her, and ſettled a jointure on her of four thouſand pounds per Annum, cancelling, at the ſame time, the bond for thirty ſix thouſand pounds.

Every thing appeared now to have come to a final concluſion, tho' ſome did not ſcruple to inſinuate, that before the ſuit in the Commons had been inſtituted, preliminaries had been previouſly ſettled between the parties. Suppoſing the aſſertion to be fact, it is not the leaſt extraordinary, for as no manner of eſteem ſubſiſted between them, it was natural for both to deſire a diſſolution of a diſagreeable claim, founded on indiſcretion, and only remember'd with diſguſt. As it was their mutual wiſh to be diſengaged from any legal title to each other, they doubtleſs made it their mutual buſineſs to expedite thoſe judiciary proceedings, which were to be productive of ſo deſirable an event.

That Lord Briſtol receiv'd any pecuniary gratification for his acquieſcence in this affair we cannot believe, there was ſmall occaſion to bribe him to indulge his wiſhes; he muſt have been as deſirable to obtain this deciſion, as Miſs Chudleigh. The charge was therefore equally injurious to the Earl of Briſtol

as the Ducheſs of Kingſton; a charge founded on the moſt infamous ſurmiſes, and propagated in the Morning Poſt; the moſt illiberal paper, which diſgraces this metropolis; in which hired and hidden aſſaſſins and mercenary ſcribblers, while lurking in obſcurity, wound the moſt reſpectable characters, and wantonly aim to ruin the piece of mind, and deſtroy the property of private families. For this attack on the Earl of Briſtol, they, however, received the chaſtiſement of the Court of King's Bench, tho' the proprietors now affect to boaſt that they ſhall eſcape paying the fine, ſo juſtly inflicted for their nefarious publication, as the oſtenſible defendant Griffin is ſince dead. Be the iſſue what it will, muſt not the public be ſurpriſed to find, in the liſt of the proprietors of this paper, the names of Skinner, Chriſtie, and Tatterſall, men who have receiv'd the moſt liberal encouragement from the very perſons daily abus'd in that publication;—thoſe gentlemen doubly degrade themſelves, firſt by being concerned in ſuch a paper, and ſecondly becauſe they are thereby under the neceſſity of aſſociating with men, whom every honeſt man would wiſh to avoid.

Things now went on without any interruption, and nothing material occurr'd till the death of the Duke of Kingſton, which happen'd at Bath, on the 23d. of September, 1773, when he left the Ducheſs executrix to his will, in which he devis'd

to her the principal part of his immenſe eſtate. This Event was productive of thoſe extraordinary matters, which have ſince engaged the attention of the public.

The family of the Meadows, in right of Lady Frances Meadows, ſiſter to the Duke of Kingſton, always beheld the Ducheſs with an eye of jealouſy. On the Duke's demiſe, and the circumſtance of the bulk of his fortune being left to her Grace, the *Meadows*'s, on a preſumption that the marriage did actually exiſt between the Ducheſs and the Earl of Briſtol, began in earneſt to proſecute the Ducheſs upon that ground, being extremely circumſpect, and vigorous in their proceedings. A bill in Chancery was filed, to which the Ducheſs pleaded the foregoing ſentence, and the probate of the Duke's will; the validity of her plea, was admitted by the Lord Chancellor.

A bill of indictment for bigamy was likewiſe preferred againſt her at Hicks's Hall, and in conſequence of her non-appearance, her opponents proceeded to outlawry; the Ducheſs being at that time upon an excurſion to the continent, not, if we may judge from her ſubſequent behaviour, and more recent proceeding, through any conſcious timidity; but to have a better opportunity of deliberating upon the moſt eligible meaſures, proper to be adopted in acting upon the defenſive; though a rumour was currently circulated

lated, that ſhe had converted, the greateſt part of her property into ſpecie, had placed it in the papal bank at Rome, and never meant to return; but to the ſurprize of her enemies, ſhe at length made her appearance, ſurrendered herſelf to the Court of King's Bench, reverſed the outlawry, and was admitted to bail; ſo far the law proceedings have been carried on, and thus the caſe at preſent ſtands. It may, however, be proper to obſerve, that as the Ducheſs is a Peereſs of the Realm, her cauſe will be tried before the Houſe of Lords.

Thus ſituated, it is probable that the public converſation, relative to her Grace, would have ſubſided till the ultimate iſſue of the proceedings were known; but a remarkable circumſtance has again brought her affairs upon the tapis, and rendered her Grace once more the general topic of diſcourſe.

Mr. Foote, the modern Ariſtophanes, in getting up one of his ſummer pieces for the amuſement of the public, thought the Ducheſs a character ſuitable to his purpoſe, and a proper object of his ſatirical and humorous pen. He firſt drew her in his piece, called the *Trip to Calais*, under the character of Lady Barbara Blubber, the opulent relique of a great man extinct; (diſtreſſed in appearance, with a vaſt parade and affectation of grief for a man, whom ſhe cared not one farthing for the loſs of;) but as that name had no very

pleaſing

pleaſing ſound, and rather conveyed an indelicate idea, he ſoftened it afterwards to the appellation of Lady Kitty Crocodile. The Lord Chamberlain however thought proper to refuſe his permiſſion for the appearance of this performance on the ſtage. This rejection gave riſe to the following letter to his lordſhip, prefaced with a few lines to the Printer of the Morning Chronicle.

To the Printer of the MORNING CHRONICLE.

THE prophetic effuſions of the collectors or makers of paragraphs, have for once proved true, Mr. Woodfall: The *Trip to Calais* has been rejected by the Lord Chamberlain; to gueſs from whence theſe gentlemen obtained their intelligence (as their advices preceeded by many days the delivery of the piece to the Lord Chamberlain) would be a very difficult taſk: however, you find what was only prophecy, is now become hiſtory, till I can have an opportunity of laying before the public, thoſe ſcenes which produced his Lordſhip's interdiction, you will print the following letter, ſent to Lord Hertford, in hopes of ſoftening his cenſure.

S. F.

To

TO

LORD HERTFORD.

My Lord,

" I Did intend troubling your Lordſhip with an earlier addreſs, but the day after I received your prohibitory mandate, I had the honour of a viſit from Lord Mountſtuart, to whoſe interpoſition I find I am indebted for your firſt commands, relative to the *Trip to Calais*, by Mr. Chetwynd, and your final rejection of it by Col. Keen.

" Lord Mountſtuart has, I preſume, told your Lordſhip, that he read with me thoſe ſcenes to which your Lordſhip objected, that he found them collected from general nature, and applicable to none but thoſe, who, through conſciouſneſs, were compelled to a ſelf-application. To ſuch minds, my Lord, the Whole Duty of Man, next to the Sacred Writings, is the ſevereſt ſatire that ever was wrote; and to the ſame mark, if Comedy directs not her aim, her arrows are ſhot in the air; for by what touches no man, no man will be mended. Lord Mountſtuart deſired

that

that I would ſuffer him to take the play with him, and let him leave it with the Ducheſs of Kingſton: he had my conſent, my Lord, and at the ſame time an aſſurance, that I was willing to make any alteration that her Grace would ſuggeſt. Her Grace ſaw the play, and in conſequence, I ſaw her Grace; with the reſult of that interview, I ſhall not, at this time, trouble your Lordſhip. It may perhaps be neceſſary to obſerve, that her Grace could not diſcern, which your Lordſhip, I dare ſay, will readily believe, a ſingle trait in the character of Lady Kitty Crocodile, that reſembled herſelf.

" After this repreſentation, your Lordſhip will, I doubt not, permit me to enjoy the fruits of my labour; nor will you think it reaſonable, becauſe a capricious individual has taken it into her head, that I have pinned her ruffles awry, that I ſhould be puniſhed by a poiniard ſtuck deep in my heart: your Lordſhip has too much candour and juſtice to be the inſtrument of ſo violent and ill directed a blow.

" Your Lordſhip's determination is not only of the greateſt importance to me now, but muſt inevitably decide my fate for the future,

future, as, after this defeat, it will be impoſſible for me to muſter up courage enough to face folly again; between the muſe and the magiſtrate there is a natural confederacy; what the laſt cannot puniſh the firſt often corrects; but when ſhe finds herſelf not only deſerted by her ancient ally, but ſees him armed in the defence of her foe, ſhe has nothing left but a ſpeedy retreat: adieu, then my Lord, to the ſtage. *Veleat res ludicra*, to which, I hope I may with juſtice add *plaudite*, as during my continuance in the ſervice of the public, I never profited by flattering their paſſions, or falling in with their humours, as upon all occaſions, I have exerted my little powers (as indeed, I thought it my duty) in expoſing follies, how much ſoever the favourites of the day; and pernicious prejudices, however protected and popular. This, my Lord, has been done, if thoſe may be believed, who have the beſt right to know, ſometimes with ſucceſs; let me add too, that in doing this I never loſt my credit with the public, becauſe they knew that I proceeded upon principle, that I diſdained being either the eccho or the inſtrument of any man, however exalted his ſtation, and that I never

 received

received reward or protection from any other hands than their own.

I have the honour to be, &c.

SAMUEL FOOTE."

N. B. In a few days will be publiſhed, the Scenes objected to by the Lord Chamberlain. With a Dedication to the Ducheſs of Kingſton.

WE are informed from good authority, that the converſation between the Ducheſs and Mr. Foote, and which he has declined relating, in the foregoing Letter to Lord Hertford, was to this effect, that her Grace could wiſh to have the piece not publiſh'd, and propoſed a pecuniary gratification to Mr. Foote, if he would ſuppreſs it. Foote appeared ſurprized, and in words to the following effect, addreſſed the Ducheſs of Kingſton,—" are thoſe ear-rings compoſed of diamonds, are thoſe necklaces pearl? if they are, and thoſe candleſticks ſilver, pray put them away, leaſt I ſhould lay my hands on them. No, Madam, when my

my neceſſities reduce me to make uſe of diſhonourable means of requiring ſupplies. I will ſooner go upon the Highway, than accept of an offer ſo much to my diſhonour. ——To this her Grace ſaid, ſhe could not ſee the thing in that light, nor conceive what ill conſequences could ariſe from his taking it, eſpecially as the tranſaction would not be known, as there were only my Lord Mountſtuart and herſelf preſent: "Yes, replied Foote, there is a third perſon preſent, and with whom I ever wiſh to remain upon the beſt of terms, *viz.* myſelf." Lord Mountſtuart ſaid he could not conceive what harm there could be in his compliance, as it would be done in ſo private a manner; to which Foote gave his Lordſhip nearly the ſame anſwer as he had done to her Grace. Foote, in a day or two after ſent for the piece, which he had left with the Ducheſs of Kingſton: Her Grace ſent for anſwer, ſhe ſhould be glad of Mr. Foote's company to dinner, and to deliver the piece into his own hands.——Mr. Foote excuſed himſelf, but afterwards received his piece back.

A few days after Mr. Foſter, Chaplain to the Ducheſs of Kingſton, wrote a Letter to Mr. Foote telling him that her Grace, was informed that a bookſeller had offered him 150 l. for the "*Trip to Calais.*" and that her Grace defired to be admitted to ſtand in the ſhoes of a bookſeller, and become the purchaſer—— from this and the former applications to Foote, it appeared her Grace was uneaſy at the publication of the ſcenes, and in conſequence ſent her Grace the following letter, *verbatim.*

TO HER

GRACE the DUCHESS of KINGSTON.

MADAM:

A Member of the Privy Council and a freind of your Grace's; HE HAS begd me not to mention his name, but I ſuppoſe your Grace will eaſily gueſs him HAS juſt left me HE HAS explaind to me what I did not conceive that the publication of the ſceens in the "*Trip to Calais*" at this

this juncture, with the dedication and preface, might be of infinite ill-conſequence to your affairs.

" I realy Madam wiſh you no ill, and ſhould be ſorry to do you an injury.

" I therefore GIVE UP to that conſideration what neither your Grace's offers nor the threats of your agents could obtain. The ſceens ſhall not be publiſhd, nor ſhall any thing appear at my theatre or from me that can hurt you;

" PROVIDED the attacks made on me in NEWS Papers *does* not make it neceſſary for me to act in defenſe of myſelf:

" Your Grace will therefore ſee the neceſſity of giving proper directions

" I have the honor to be

" Your Graces

" Moſt devoted ſervant

" SAMUEL FOOTE."

North End, Sun:

The

The Ducheſs of Kingſton, if we are rightly informed, piqued at Foote's refuſal of her proffer'd favor, and telling her Grace he would ſuppreſs the *Trip to Calais*, regardleſs of threats or allurements, provok'd the Ducheſs to change her ground, which ſhe did, forgetful of the premiſes, and wrote, or caus'd to be written the following anſwer.

To Mr. FOOTE.

"I WAS at dinner when I received your ill-judged letter. As there is little conſideration required, I ſhall ſacrifice a moment to anſwer it.

A member of your Privy-Council can never hope to be of a lady's cabinet.

I know too well what is due to my own dignity, to enter into a compromiſe with an extortionable aſſaſſin of private reputation. If I before abhorred you for your ſlander, I now deſpiſe you for your conceſſions; it is a proof of the illiberality of your ſatire, when you can publiſh or ſuppreſs it as beſt

ſuits

ſuits the needy convenience of your purſe. You firſt had the cowardly baſeneſs to draw the ſword, and, if I ſheath it until I make you crouch like the ſubſervient vaſſal you are, then is there not ſpirit in an injured woman, nor meanneſs in a ſlanderous buffoon.

To a man, my ſex alone would have ſcreened me from attack—but I am writing to the deſcendant of a Merry-Andrew *, and, proſtitute the term of manhood by applying it to Mr. Foote.

Cloathed in my innocence, as in a coat of mail, I am proof againſt a hoſt of foes, and, conſcious of never having intentionally offended a ſingle individual, I doubt not but a brave and generous public will protect me from the malevolence of a theatrical aſſaſſin.

* Mr. Foote is deſcended in the female line from one Harnaſs, a Merry-Andrew, who exhibited at Totneſs, in Devonſhire, and afterwads figured in the character of a Mountebank, at Plymouth; this ſame Merry Andrew's daughter married a Juſtice Foote, of Truro, in Cornwall. There is a man now living, who has often been more delighted with the nimble feats of this active Merry Andrew, than with all the grimace of features it is in the power of our modern Ariſtophanes to aſſume.

You ſhall have cauſe to remember, that though I would have given liberally for the relief of your neceſſities, I ſcorn to be bullied into a purchaſe of your ſilence.

There is ſomething, however, in your Pity at which my nature revolts. To make me an offer of Pity at once betrays your inſolence and your vanity. I will keep the pity you ſend until the morning before you are turned off, when I will return it by a Cupid with a box of lip-ſalve, and a choir of choriſters ſhall chaunt a ſtave to your requiem.

E. KINGSTON.

Kingſton-Houſe, Sunday, 13th Auguſt.

P. S. You would have received this ſooner, but the ſervant has been a long time writing it.

(COPY.)

To

To this, Mr. Foote wrote the following in reply.

TO THE

DUCHESS OF KINGSTON.

MADAM,

"THOUGH I have neither time nor inclination to anſwer the illiberal attacks of your agents, yet a public correſpondence with your Grace is too great an honour for me to decline. I can't help thinking but it would have been prudent in your Grace to have anſwered my Letter before dinner, or at leaſt poſtponed it to the cool hour of the morning: you would then have found that I had voluntarily granted that requeſt which you had endeavoured, by ſo many different ways to obtain.

"Lord Mountſtuart, for whoſe amiable qualities I have the higheſt reſpect, and whoſe name your agents firſt very unneceſſarily produced to the public, muſt recollect, when I had the honour to meet him at Kingſton-Houſe, by your Grace's appointment, that inſtead of begging relief from your charity,

I rejected your ſplendid offers to ſuppreſs the *Trip to Calais*, with the contempt they deſerved. Indeed, Madam, the humanity of my royal and benevolent Maſter, and the public protection, have placed me much above the reach of your bounty.

" But why, Madam, put on your coat of mail againſt me? I have no hoſtile intentions. Folly, not Vice, is the game I purſue. In thoſe ſcenes which you ſo unaccountably apply to yourſelf, you muſt obſerve, that there is not the ſlighteſt hint at the little incidents of your life, which have excited the curioſity of the Grand Inqueſt for the county of Middleſex. I am happy, Madam, however, to hear that your robe of innocence is in ſuch perfect repair, I was afraid it might have been a little the worſe for wearing; may it hold out to keep you warm the next winter.

" The progenitors your Grace has done me the honor to give me, are, I preſume, merely metaphorical perſons, and to be conſidered as the authors of my muſe, and not of my manhood: a Merry Andrew and a Proſtitute are

no

no bad poetical parents, eſpecially for a writer of plays; the firſt to give the humour and mirth, the laſt to furniſh the graces and powers of attraction. Proſtitutes and Players too muſt live by pleaſing the public; not but your Grace may have heard of ladies, who, by private practice, have accumulated amazing great fortunes. If you mean that I really owe my birth to that pleaſant connection, your Grace is groſſly deceived. My father was, in truth, a very uſeful magiſtrate and reſpectable country gentleman, as the whole county of Cornwall will tell you. My mother, the daughter of Sir Edward Goodere, Bart. who repreſented the county of Hereford; her fortune was large, and her morals irreproachable, till your Grace condeſcended to ſtain them; ſhe was upwards of four-ſcore years old when ſhe died, and what will ſurpriſe your Grace, was never married but once in her life. I am obliged to your Grace for your intended preſent on the day, as you politely expreſs it, when I am to be turned off.---But where will your Grace get the Cupid to bring me the lip-ſalve?--- That family, I am afraid, has long quitted your ſervice.

" Pray, Madam, is not J———n the name of your female confidential ſecretary? and is not ſhe generally clothed in black petticoats made out of your weeds?

" So mourned the dame of Epheſus her love."

I fancy your Grace took the hint when you laſt reſided at Rome; you heard there, I ſuppoſe, of a certain Joan, who was once elected a Pope, and, in humble imitation, have converted a pious Parſon into a Chambermaid. The ſcheme is new in this country, and has doubtleſs its particular pleaſures. That you may never want the *benefit of the Clergy*, in every emergence, is the ſincere wiſh of

Your Grace's

Moſt devoted and obliged humble ſervant,

SAMUEL FOOTE.

We have to obſerve, in concluſion to this part of our pamphlet, that Foote totally diſclaims, nay affects to ſhudder at the taking of a conſideration for the ſuppreſſion of his piece; the Dutcheſs of Kingſton, on the other hand, by implication, charges him with attempting to bully her into it;—how can this at preſent be determined?—Lord Mountſtuart and Mr. Foſter, muſt know ſomething of the matter, if either of thoſe gentlemen ſhall hereafter give evidence between the parties, we will certainly print what comes authenticated from either of them, and ſubjoin it to our next impreſſion, at the ſame time accommodate the purchaſer of this firſt edition of the Dutcheſs of Kingſton's Caſe, with the additions, *gratis*.

With regard to the ſuppreſſion of a publication or dramatic performance, an author or a bookſeller, who ſhall write or purchaſe a copy intentionally with a view of frightening the object of its ſatire or abuſe into a compliance to give a conſideration for the ſuppreſſion of ſuch exhibition, or publication, deſerves a puniſhment inferior only to that

inflicted on thoſe who commit depredations on the highway.—In ſhort, what is unfit for publication, is unfit to be written, and an author or bookſeller cannot but in very few caſes, with the leaſt degree of propriety, accept of a conſideration for to ſuppreſs a publication; in fine, if Foote did attempt to extort money from the Dutcheſs of Kingſton, he did that which he ought for ever to be aſhamed of——if he did not, the Dutcheſs of Kingſton has done Mr. Foote a piece of great injuſtice.—Lord Mountſtuart and Mr. Foſter can beſt determine the fact, and they will do well impartially to declare the truth.

FINIS.

POSTCRIPT.

AS we ſuggeſted in the foregoing page, that it might be in the power of Mr. FORSTER, or Lord MOUNSTUART to clear up this point, ſo it hath turned out, and the Public will, from the affidavit annexed, be enabled to form a proper judgement of the tranſaction between the Ducheſs of Kingſton and Sam. Foote, Eſq.

(AFFIDAVIT.)

MIDDLESEX, AND WESMINSTER, } to wit.

" THE Rev. Mr. JOHN FORSTER, " A. M. Chaplain to her Grace the " DUCHESS of KINGSTON, maketh " oath, that in the month of July laſt, " he waited on Mr. SAMUEL " FOOTE, at his houſe at North " End—by the direction of her Grace " the Ducheſs of Kingſton, to return " to the ſaid Mr. Foote, a manuſcript " Comedy entitled, a "*Trip to Calais*," " which he, the ſaid Mr. FOOTE, had " left with her Grace for her peruſal,

" whilſt

" which he did accordingly deliver to him
" That at this time he took an opportuni-
" ty to diſſuade Mr. FOOTE from pub-
" liſhing the ſaid Comedy, which he
" was informed it was his intention to
" do; as it might very much diſoblige
" the Ducheſs of Kingſton, and make in
" her a powerful enemy, who was
" capable of being a very valuable
" friend; that on theſe conſiderations
" he adviſed the ſaid Mr. FOOTE to
" make a compliment of the copy of
" this piece to her Grace the DU-
" CHESS of KINGSTON, eſpecially
" as the public performance of it had
" been prohibited by the Lord Cham-
" berlain; that the ſaid Mr. SAMUEL
" FOOTE replied, that unleſs the Du-
" cheſs of Kingſton would give him
" TWO THOUSAND POUNDS, he
" would publiſh the "*Trip to Calais*,"
" with a preface and dedication to her
" Grace; and that the ſaid Mr. Foote
" commiſſioned him to communicate
" theſe intentions to her Grace the
" Ducheſs of Kingſton."

JOHN FORSTER.

SWORN BEFORE ME, this 18th day of Auguſt, 1775.

J. FIELDING.